

HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PHILIP MARTIN; T.F. (NATALIE TANG);  
AND YATIN KHANNA, individually and  
on behalf of all others similarly situated,

Plaintiffs,

v.

BINANCE HOLDINGS, LTD d/b/a  
BINANCE; BAM TRADING SERVICES,  
INC. d/b/a BINANCE US, a Delaware  
corporation; and CHANGPENG ZHAO,

Defendants.

Case No. 2:24-cv-01264-BJR

**STIPULATED MOTION TO WAIVE  
SERVICE AND SET SCHEDULE FOR  
RESPONSE TO COMPLAINT**

NOTE ON MOTION CALENDAR:  
OCTOBER 4, 2024

**I. STIPULATED MOTION**

Plaintiffs Philip Martin, T.F. (Natalie) Tang, and Yatin Khanna (collectively “Plaintiffs”), and Defendants Binance Holdings, Ltd d/b/a Binance (“BHL”), BAM Trading Services Inc. d/b/a Binance.US (“BAM”) and Changpeng Zhao (collectively “Defendants”), stipulate and agree as follows:

1. On August 16, 2024, Plaintiffs filed the Complaint. (ECF No. 1.)
2. On August 30, 2024, Plaintiffs filed an Affidavit of Service attesting that BAM was served on August 28, 2024. (ECF No. 20.)
3. On September 11, 2024, Plaintiffs filed a Motion for Service of Summons and Complaint by United States Marshal on Mr. Zhao (ECF No. 21), which the Court granted on

1 September 12, 2024 (ECF No. 24).

2 4. On September 18, 2024, BAM and Plaintiffs filed a Joint Stipulated Motion to  
3 Extend BAM's Time to Respond to the Complaint by 30 days to October 18, 2024, explaining that  
4 BAM's counsel was only recently retained and BHL and Mr. Zhao had not yet been served. (ECF  
5 No. 26.) On September 19, 2024, the Court granted the Motion. (ECF No. 30.)

6 5. Pursuant to the Court's Standing Order for All Civil Cases (ECF No. 14 (the  
7 "Standing Order")), between September 17 and September 20, 2024, counsel for the Parties met  
8 and conferred to determine whether a motion pursuant to Fed. R. Civ. P. 12(b) could be avoided.  
9 (*See* Standing Order § F.)

10 6. On September 18, 2024, a United States Marshal served a copy of the summons  
11 and the Complaint on Mr. Zhao. Plaintiffs were notified on September 24, 2024, that the United  
12 States Marshal served the summons and Complaint on Mr. Zhao.

13 7. The Parties agree that bifurcating Defendants' response to the Complaint in the two  
14 stages as set out in paragraph 8, *infra* (the "Request to Bifurcate"), such that the parties will first  
15 brief Defendants' motion to compel arbitration and will then brief Defendants motions to dismiss  
16 on jurisdictional and substantive grounds, if necessary, will serve the purpose of the Standing  
17 Order, potentially avoid unnecessary briefing, serve efficiency and judicial economy, and conserve  
18 the Parties' and the Court's resources.

19 8. The Parties further agree that the Request to Bifurcate is permitted and warranted  
20 pursuant to *Sinochem Int'l Co. v. Malaysia Int'l Shipping Corp.*, 549 U.S. 422 (2007)  
21 ("*Sinochem*"). Under *Sinochem*, since there is "no mandatory 'sequencing of jurisdictional  
22 issues,'" (*Sinochem*, 549 U.S. at 431) the Court has "leeway to 'choose among threshold grounds  
23 for denying audience to a case on the merits,'" and may resolve certain "'threshold question[s]' ...  
24 before addressing jurisdiction." (*Id.* at 431 (citations omitted).) This is particularly true where, as  
25 here, considerations of "convenience, fairness, and judicial economy so warrant." (*Id.* at 436, 432.)

26 9. Accordingly, the Parties agree that good cause exists for the Court to enter an order  
27 pursuant to Fed. R. Civ. P. 6(b) approving the Stipulation as follows:

A. BHL hereby waives service of a summons and waives any objections to the absence of a summons or of service.

B. Within 60 days after the Court grants the Stipulation, Defendants will file a single combined Motion to Compel Arbitration, only. Plaintiffs shall file an opposition within 30 days of the Motion and Defendants shall have 14 days to file a reply. By filing the Motion to Compel, Defendants do not consent to the Court's personal jurisdiction or waive any arguments or defenses, except for the sufficiency and validity of service of process, including, but not limited to, those relating to personal jurisdiction.

C. By agreeing to the terms of this stipulation, Plaintiffs do not acknowledge any merit to Defendants' anticipated Motion to Compel and are agreeing solely to promote efficiencies and in the spirit of compromise.

D. If the Court denies Defendants' Motion to Compel Arbitration, the parties shall meet and confer pursuant to the Court's Standing Order to determine whether a motion pursuant to Fed. R. Civ. P. 12(b) can be avoided. The parties shall file a joint report with the Court no later than 14 days after any Order denying Defendants' Motion to Compel to notify the Court if Defendants seek to file a Motion to Dismiss and, if so, the proposed briefing schedule of the parties.

10. The Parties submit that good cause exists to grant the Request to Bifurcate because the case is in its early stages and the proposed responsive schedule will not cause undue delay. Indeed, BAM's counsel was only recently engaged in this litigation and its responsive pleading deadline is on October 18, 2024—that is, in more than three weeks. Finally, no discovery cut-off or trial dates have been set, BAM has only requested one previous extension to respond to the Complaint, and Mr. Zhao and BHL have not requested any extensions of time.

11. The Parties further submit that good cause exists to grant the Request to Bifurcate because the proposed schedule potentially avoids unnecessary litigation and expense, promotes judicial economy, and facilitates the orderly presentation and adjudication of the issues presented

in this case. Because Defendants intend to make similar challenges to the Complaint, it serves judicial efficiency to align the response deadline for all Defendants to avoid repetitive briefing.

12. The Parties agree that by filing this Stipulation, Defendants do not intend to make, and have not made, a general appearance, and have not waived their right to move to compel arbitration and/or argue that the Court lacks personal jurisdiction over Defendants. For avoidance of doubt, Defendants met and conferred with Plaintiffs and submit this Stipulation subject to, and without waiver of, Defendants' arbitration and jurisdictional arguments and defenses.

IT IS SO STIPULATED this 4th day of October 2024.

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STIPULATED MOTION TO WAIVE SERVICE/SET  
SCHEDULE FOR RESPONSE TO COMPLAINT - 4  
CASE NO. 2:24-cv-01264-BJR

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**II. ORDER**

**IT IS SO ORDERED.**

DATED this 7th day of October 2024.



BARBARA J. ROTHSTEIN  
UNITED STATES DISTRICT JUDGE

Presented by:

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